

ORDERED.

Dated: December 07, 2015



Caryl E. Delano
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re:
THOMAS RIVERA
Debtor.

Case Number: 8:15-bk-04050-CED
Chapter: 13

ORDER GRANTING DEBTOR'S MOTION TO DETERMINE
SECURED STATUS OF PASCO COUNTY BOARD OF COUNTY COMMISSIONERS, AND TO
STRIP LIEN EFFECTIVE UPON DISCHARGE AND REQUEST FOR ADDITIONAL
PRESUMPTIVELY REASONABLE FEE

THIS CASE came on for consideration of the Debtor's Motion to Determine Secured Status of Pasco County Board of County Commissioners ("Pasco BOCC") and to Strip Lien and Request for Additional Presumptively Reasonable Fees (Doc. No. 38) (the "Motion") pursuant to the negative notice provisions of Local Rule 2002-4. Having considered the Motion and the absence of any record objection to the relief requested in the Motion by any party in interest, the Court deems the Motion to be uncontested. If Pasco BOCC has not timely filed a proof of claim in this case, the Motion is not deemed to be an informal proof of claim except for the purpose of initiating the Debtor's ability to request relief pursuant to 11 U.S.C. § 506(a).

The real property (the "Real Property") that is the subject of the Motion is located at

13804 Caden Glen Dr., Hudson, FL 34669, and more particularly described as follows:

Legal Description- Lot No. 396, VERANDAHS, according to the Plat thereof, as recorded in Plat Book 56 at Page 64, of the Public Records of Pasco County, Florida.

Accordingly, it is hereby

ORDERED:

1. The Motion is GRANTED.
2. If Pasco BOCC timely filed a proof of claim, the claim shall be treated as an unsecured claim in this Chapter 13 case.
3. The mortgage on the Real Property held by Pasco BOCC recorded on August 17, 2010, Book 8399, Pages 1125, Instrument No. 2010117865 of the Official Records of Pasco County, Florida, shall be deemed void, and shall be extinguished automatically, without further court order, upon the recordation in the public records of a certified copy of this Order together with (a) a certified copy of the Debtor's Chapter 13 discharge order in this case or (b) such other paper as the Court may specify by separate order. However, the Court reserves jurisdiction to consider, if appropriate, the avoidance of Pasco BOCC's mortgage lien prior to entry of the Debtor's discharge.
4. This Order does not prohibit Pasco BOCC from asserting, at any time prior entry of the Debtor's discharge, any rights it may have as a defendant in any foreclosure proceeding brought by a senior mortgagee, including the right to claim excess proceeds from any foreclosure sale.
5. Counsel for Debtor shall be awarded a reasonable fee in the amount of \$300.00.

Attorney, Thomas A. Nanna is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order